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Report of the United Nations High Commissioner for Refugees: questions relating to refugees and displaced persons and humanitarian questions

Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

Report of the Secretary-General

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 52/102 of 12 December 1997, in which the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the Organization for Security and Cooperation in Europe (OSCE) were invited to continue to steer the ongoing and future activities relating to the follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States, held at Geneva on 30 and 31 May 1996. The Secretary-General was requested to report to the General Assembly at its fifty-third session on progress achieved in the implementation of the Programme of Action adopted by the Conference.

2. In the same resolution, the General Assembly called upon the Governments of the Commonwealth of Independent States (CIS) to continue to strengthen their commitment to the principles underpinning the Programme of Action, in particular human rights and refugee protection principles, and to lend high-level political support to ensure progress in its implementation, and also called upon States and interested international organizations, in a spirit of solidarity and burden-sharing, to provide appropriate forms and levels of support for the practical implementation of the Programme of Action. The Assembly further called upon the Governments of the Commonwealth of Independent States, as well as international organizations, to strengthen further their cooperation with non-governmental organizations while encouraging the involvement of intergovernmental and non-governmental organizations in the follow-up process; invited all countries that had not yet done so to accede and implement fully the 1951 Convention and the 1967 Protocol relating to the Status of Refugees; and requested UNHCR to enhance its relationship with other key actors, including the Council of Europe, human rights, developmental and financial institutions, in order to better address the wide-ranging and complex issues in the Programme of Action.

II. Implementation of the Programme of Action

3. Follow-up mechanisms established within UNHCR and IOM continued to ensure the implementation of the Programme of Action, in cooperation with concerned States and intergovernmental organizations. A number of initiatives and activities to further implement the Programme of Action were undertaken, as outlined below.

4. The emphasis of the Conference is increasingly on avoiding duplication and better coordination. Integrated approaches are more than ever being successfully developed. Close UNHCR-IOM cooperation has been further strengthened both at headquarters and field levels, on the basis of the Joint Operational Strategy. The two organizations launched and jointly presented to the donor community their appeals for funds for the countries of the Commonwealth of Independent States for 1998 in order to support the implementation of their programmes in this region. The institutionalized working relationships between the two organizations have proven to be the main vehicle for the implementation of the Programme of Action. Partnerships between UNHCR, OSCE and its institutions, such as its Office for Democratic Institutions and Human Rights (ODIHR) and of the High Commissioner on National Minorities (HCNM) have been further developed and institutionalized. The increasingly close interaction is also based on a recognition of the critical linkage between migration, displacement and security issues, and includes such areas as freedom of movement, the restitution of property and citizenship issues of formerly deported peoples in Crimea. UNHCR has also become involved in broader United Nations or OSCE-led conflict resolution efforts, such as those of the OSCE Minsk Group mediating in the conflict over Nagorno-Karabakh and OSCE peacemaking efforts in the conflict between Georgia and South Ossetia. Areas of cooperation with the Council of Europe now cover, *inter alia*, citizenship, registration of citizens and freedom of movement, legislation on non-governmental organizations, refugee legislation and the implementation of the European Convention on Human Rights on questions related to refugees and asylum.

5. Most Governments of the Commonwealth of Independent States have maintained their commitment to the Conference process, and several have paid increased attention to strengthening the institutional frameworks appropriate for effective management of migration and displacement. They have elaborated, revised and amended relevant legislation. In some cases, migration policies have been updated and appropriate administrative structures have been strengthened or their status has been upgraded. Some Governments have paid special attention to the protection of minority rights and the rights of formerly deported peoples. Several States have acceded or are preparing to accede to various international instruments. Turkmenistan has acceded to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. Other Governments have

focused their efforts on solving problems related to integration of newly arrived populations. In some areas, bilateral and subregional mechanisms are being developed to ensure a coordinated response to shared problems. This is particularly the case in Central Asia, where the Bishkek Migration Management Centre, established in 1997 with the assistance of UNHCR and IOM, is increasingly becoming operational and developing its potential, and the increasing involvement of the Central Asian Inter-State Council is also significant.

6. Other interested States and organizations have provided support to the implementation process through funding UNHCR and IOM appeals, lending assistance on a bilateral basis. UNHCR has shaped its priorities to more effectively focus its regional policies and programmes in the countries of the Commonwealth of Independent States, as well as to involve other actors in Conference follow-up. UNHCR has sometimes acted as a catalyst for action, drawing attention to issues that can best be addressed by other actors, or drawing the expertise of others into joint activities. Thus, closer partnerships, as mentioned above, have been further developed with OSCE and its institutions, the Council of Europe, the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA) and some other agencies. On the other hand, cooperation with international financial institutions has not expanded at the same pace. The reasons are probably due to differences in objectives and priorities, insufficient awareness on the part of financial institutions, lack of a soft loan capacity and perhaps the reluctance of the countries of the Commonwealth of Independent States to seek loans for humanitarian or reconstruction projects. However, the most notable exception is the pioneering cooperation between the World Bank, UNHCR and UNDP in Azerbaijan in establishing a strategic framework for post-conflict resettlement and reconstruction, and mobilizing international funding.

7. IOM has shaped its strategy in the region on the basis of the experience gained in past years in a number of countries of the Commonwealth of Independent States and concentrating on its core expertise, which lies in three main areas: technical cooperation on migration programmes, which assist Governments and non-governmental organizations in establishing the institutional structures and operational capacity to manage migratory movements and address migration issues; humanitarian migration and integration programmes, which provide integration assistance to migrants resettling within the Commonwealth of Independent States, and return and reintegration assistance to stranded migrants from countries other than those of the Commonwealth of Independent States; and research and information programmes, which monitor changes in migration patterns and conduct original research over a short time scale to inform policy makers and project developers. The development of the capacity-building in migration management programme has become IOM's top priority and main accomplishment in the Commonwealth of Independent States.

8. In view of the limited resources available for the entire region, UNFPA policy has focused on assisting Governments in their efforts to develop a comprehensive reproductive health care system. UNFPA supports training of service providers, provision of supplies, the dissemination of information and curriculum development for sexual education. UNDP is playing an important role in assisting the internally displaced and the reintegration of returnees in Crimea, and is one of the actors involved in reconstruction and rehabilitation of war-damaged areas in Azerbaijan. UNICEF conducted a series of workshops focused on the Convention on the Rights of the Child, with particular emphasis on the situation of women and children from refugee populations and displaced persons; developed contingency planning helping these groups as an integral part of country programmes in the Transcaucasus and Central Asia; and commissioned a study on projects dealing with psychosocial rehabilitation in war-affected areas. UNESCO plays a role in the development of cultural activities of returnees in the Crimea (Ukraine). The Division for Public Economies and Public Administration of the United Nations Secretariat has undertaken several activities and projects that indirectly tackle the problems of refugees and displaced persons, particularly in such areas as protection and promotion of human rights, election, democratization, human rights and governance, support for non-governmental organizations and building civil society, technical cooperation to develop local institutional capacity for good governance, conflict management in diverse societies, and strengthening tolerance-building and ombudsman institutions.

9. Significant progress has by now also been achieved in developing the capacities of local non-governmental organizations within the broad framework of building civil society. This activity is largely supported by donors, particularly the United States of America, Finland, Sweden and Denmark. In 1997, the Non-Governmental Organizations Fund was established to provide start-up grants to emerging local non-governmental organizations to enhance their expertise, management skills and assistance capacity. Non-governmental organization activities have become better

structured with the establishment of thematic working groups aimed at coordination of their contributions at all stages of Conference follow-up. Local non-governmental organizations in the countries of the Commonwealth of Independent States are enhancing both their skills and contacts with each other and Governments.

10. An expert group meeting on freedom of movement and choice of place of residence was organized by UNHCR, OSCE/ODIHR and the Council of Europe in December 1997 at Kyiv, as part of the follow-up activities to the Conference. The objectives of the meeting were to identify ways of mitigating the negative and restrictive consequences associated with the system of residence permits, better known as *propiska*, and to explore possible approaches in changing the system. A review on the follow-up to the expert group meeting took place at the annual Steering Group meeting in June 1998.

11. Although progress has been achieved in the follow-up to the Conference, the process also faces a number of constraints, including a decrease in the level of international attention and political support that it warrants and that it originally enjoyed; a tendency to view the follow-up process as a technical exercise; lack of political solutions of conflicts, which have produced large-scale displacement and left large numbers of people uprooted in a state of limbo; staff safety, which remains a grave concern (in North Caucasus, this problem has significantly affected UNHCR programmes after the abduction of the UNHCR Head of Office at Vladikavkaz); and financial constraints affecting the ability to pursue some of the objectives of the Programme of Action, in particular a lack of involvement of international financial institutions.

III. Review of progress made and future plans

12. On 17 and 18 June 1998, the Steering Group met to review progress after the second year of implementation. Forty States, 21 international organizations, 73 non-governmental organizations and five other entities participated. The review was based on a report compiled by UNHCR and IOM with OSCE/ODIHR, highlighting progress that has been made mainly by UNHCR, IOM and OSCE/ODIHR with the Governments concerned to implement the provisions of the Programme of Action.

13. The deliberations during the meeting confirmed that Conference follow-up remains broadly on track, and reaffirmed the importance and utility of the entire process. It also demonstrated that the Steering Group meeting has become and remains a very useful vehicle for pan-European and international dialogue to discuss and review issues on a broad humanitarian agenda. It is one of the few existing forums for Governments, international organizations and non-governmental organizations to work together in developing mutual understanding and agreement on achieving objectives reflecting international standards. The Chair of the meeting made a number of suggestions to reinvigorate the process, and asked for feedback from participating States.

14. Strong emphasis was placed on the development of asylum systems, and the countries of the Commonwealth of Independent States were encouraged to intensify the process of accession to international instruments, including the 1951 Convention and its 1967 Protocol. These issues can be effectively addressed when already existing achievements in the sphere of institution-building are translated into functioning procedures in accordance with international standards. Considerable attention was devoted to such issues as irregular migration. However, it was emphasized that a balance between control measures and humane asylum and migration management approaches should be established. The predicament of the formerly deported peoples, particularly the Meskhetians and Crimean Tatars, was frequently mentioned. It was agreed that more attention should be devoted to finding ways of addressing the acute problems facing these peoples, who were expelled en masse from their homelands and many of whom still remain in refugee-like situations or are stateless. A number of participants also underlined the critical importance of burden and responsibility-sharing, and noted the fact that the entire Conference process is based on this premise. There was consensus that partnerships, particularly with financial institutions and development actors, must be strengthened and broadened. With the support of all States participating in Conference follow-up, an appropriate message could be usefully passed to the executive bodies of these institutions.

15. It was reiterated at the meeting that the political settlement of conflicts is a precondition for effective solutions to problems of refugees and other displaced persons. Distress and frustration were expressed over the lack of progress in arriving at a political settlement of the conflict over Nagorno-Karabakh and the recent flare-up of fighting in the Gali district of Georgia, which has resulted in the renewed displacement of many thousands of people.

16. At this Steering Group meeting, the countries of the Commonwealth of Independent States reaffirmed their commitment to implementing the Programme of Action. This was illustrated by a number of achievements highlighted in

the statements. Several Governments in the region noted that much more could be done to implement the Programme of Action if the required financial resources were provided.

17. Five interested States (the United States, Sweden, Finland, Norway and Switzerland) confirmed and/or announced new contributions to UNHCR and IOM appeals for 1998 for the countries of the Commonwealth of Independent States. One of the countries of the Commonwealth of Independent States, Armenia, set a novel example by contributing to UNHCR's country programme.

18. Impressive headway has been made in placing the emphasis on the building of civil society, particularly through the development of the non-governmental organization sector. This sector has witnessed remarkable progress during the last two years, as attested by the non-governmental organization consultations preceding the Steering Group meeting and the reports from the five working groups. The non-governmental organizations have demonstrated visible progress in working together over the past year at the national, subregional and regional levels, and their working groups appear to have drawn up concrete plans of action and arrived at a good division of labour. The Non-Governmental Organizations Fund has contributed significantly to the development of local non-governmental organizations and their capacities. The meeting expressed commitment to sustaining the momentum created by the existing active involvement of the non-governmental organizations in the process, particularly through building their institutional capacity and developing dialogue and cooperation with the Governments and other partners.

19. Many delegations appreciated the introduction of a thematic review for the first time at the 1998 session of the Steering Group, which focused on irregular migration and trafficking in migrants, as well as freedom of movement and choice of place of origin. The objective was to achieve a sharper focus on specific components of the Programme of Action, and to inject into the process an element of informality and further interaction. There was a general consensus to continue this practice.

20. Over the past two years, a great deal of progress has been made in the implementation of the Programme of Action, particularly in the areas of building institutional frameworks, broadening partnerships between international organizations active in the countries of the Commonwealth of Independent States and their Governments, and developing civil society, especially enhancing the capacities and skills of emerging local non-governmental organizations.

21. In the year ahead, efforts will be made to build on these achievements and further shape the main direction and focus of the follow-up process in order to ensure that the implementation of the Programme of Action is more effective, dynamic, concrete and country specific, enjoying full political support at national and international levels. Also envisaged is more participatory involvement of the Governments of countries of the Commonwealth of Independent States and other interested States, as well as international organizations, including international financial institutions. Implementation will proceed in close contact with the Governments concerned and partner organizations. A special UNHCR/IOM coordination meeting will be convened, and progress made on the Programme of Action will be reviewed at the fourth Steering Group meeting, to be held in mid-1999.